

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

THE WEBSTAURANT STORE, LLC.  
2205 Old Philadelphia Pike,  
Lancaster, PA 170625

Plaintiff,

v.

CENTRAL PRODUCTS, LLC d/b/a  
CENTRAL RESTAURANT PRODUCTS  
7750 Georgetown Road  
Indianapolis, IN 46268

Defendant.

Civil Action No.: \_\_\_\_\_

**JURY TRIAL DEMANDED**

ELECTRONICALLY FILED

**COMPLAINT**

Plaintiff, The WEBstaurant Store, LLC (“Plaintiff” or “WEB”), by its attorneys, upon information and belief, alleges as follows:

**PARTIES**

1. Plaintiff is a limited liability company organized under the laws of Pennsylvania with a principal place of business located at 2205 Old Philadelphia Pike, Lancaster, Pennsylvania, 17602.

2. Defendant Central Products, LLC (“Defendant”) is a limited liability company organized under the laws of Indiana with a principal place of business located at 7750 Georgetown Road Indianapolis, IN 46268.

**JURISDICTION AND VENUE**

3. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101 *et seq.*

4. This Court has subject matter jurisdiction over this copyright action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1338(b).

5. This Court has personal jurisdiction over Defendant because, among other things, Defendant is doing business in the Commonwealth of Pennsylvania through its online retail website and Defendant has caused injury to Plaintiff and its intellectual property and competitive position within the Commonwealth of Pennsylvania and in this judicial district.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c).

### **NATURE OF ACTION**

7. This is an action for copyright infringement.

8. The copyright infringement cause of action arises under the copyright laws of the United States, 17 U.S.C. §§ 101-810, *et sec.*

9. Plaintiff brings this action to recover damages, expenses, and attorney fees arising from the willful infringement by Defendant, of Plaintiff's registered copyrights on valuable photographic images, and to obtain injunctive relief against Defendant to cease and desist their infringement and to prevent them from any further unlawful copying and infringement of Plaintiff's copyrights.

10. Plaintiff is the owner of all rights, title, and interest in all copyrights covering the photographic images displayed on Plaintiff's website, as articulated in previous communications to Defendant.

11. In violation of the Copyright Act, 17 U.S.C. § 501, *et seq.*, and despite express copyrights restrictions and prohibitions against infringement and unauthorized use, Defendant reproduced and displayed numerous photographic images taken directly from Plaintiff's website without authorization or permission from Plaintiff.

## **FACTS**

### **A. Plaintiff The WEBstaurant Store and its Copyrights**

12. Plaintiff provides the food service industry with service, equipment, and supplies which are sold throughout the United States via the [www.webstaurantstore.com](http://www.webstaurantstore.com).

13. As part of its course of business, Plaintiff has created thousands of photographs and images to sell, advertise, and market products on its website (hereinafter referred to as the “Copyrighted Images”). Plaintiff invested substantial time and resources to create the detailed images that allow customers to properly view each item in order for the customers to make an informed purchasing decision.

14. Plaintiff has registered many of these images with the United States Copyright Office (such registrations collectively referred to hereinafter as “the Copyright Registrations”; a copy of the original registration certificate numbers VA0002181894, VA0002181970, VA0002323797, VA0002323886, VA0002324605 are attached as **Exhibit A** and incorporated herein).

15. On or about December 31, 2022 Plaintiff underwent an entity conversion and changed its name from The WEBstaurant Store, Inc. to The WEBstaurant Store, LLC.

16. At this time and at all times pertinent to this Complaint, [www.webstaurantstore.com](http://www.webstaurantstore.com) has included a copyright notice identifying Plaintiff as the copyright owner of the Copyrighted Images appearing on the website.

17. Plaintiff has not licensed Defendant to use the Copyrighted Images for any purpose.

18. Plaintiff has not granted Defendant permission to use the Copyrighted Images for any purpose.

19. Plaintiff has not worked in partnership with Defendant in creation or presentation of any of the Copyrighted Images.

**B. Defendant Central Restaurant and its Actions**

20. Defendant is an online retailer of commercial kitchen equipment and foodservice supplies and is a direct competitor of Plaintiff.

21. Upon information and belief, at some point prior to November 2020, Defendant downloaded, copied, or otherwise reproduced the Copyrighted Images from Plaintiff's website, [www.webstaurantstore.com](http://www.webstaurantstore.com), and displayed the exact images on its website, [www.centralrestaurant.com](http://www.centralrestaurant.com), for purposes of promoting and selling the items displayed in the Copyrighted Images.

22. Defendant has no legal claim to Plaintiff's Copyrighted Images.

23. Plaintiff became aware of Defendant's infringement and submitted a "takedown: notice under the Digital Millennium Copyright Act ("DMCA") on July 13, 2021. See **Exhibit B**.

24. On or about July 15, 2021, Defendant removed the infringing images from its website without communicating with Plaintiff.

25. Plaintiff became aware of new infringements by Defendant and submitted a takedown: notice under the DMCA on September 14, 2022. See **attached as Exhibit C**.

26. On September 15, 2022, Defendant removed the infringing images from its website.

27. Plaintiff became aware of further infringements by Defendant and on June 14, 2023, Plaintiff sent a notice of infringement (the First Letter) to Defendant and copied its related company Hubert Co. ("Hubert"). See **attached as Exhibit D**.

28. Hubert was also infringing some of Plaintiff's copyrighted images.

29. On June 14, 2023, Plaintiff sent a notice of infringement to Hubert and copied Defendant. **See attached as Exhibit E.**

30. Upon information and belief, Defendant and Hubert are subsidiaries of TAKKT Group.

31. Upon information and belief, Defendant and Hubert share back-of-house functions, including finance, IT and human resources. See URL <https://www.fermag.com/articles/central-restaurant-products-hubert-to-unify-operations/>, **attached as Exhibit F.**

32. On or about June 20, 2023 Hubert removed the infringing images.

33. Central Products, LLC did not respond to the First Letter or remove the infringing images.

34. Upon information and belief, at some point after June 14, 2023, despite not responding to the First Notice, Defendant removed 22 of the 45 identified infringing images from [www.centralrestaurant.com](http://www.centralrestaurant.com). Defendant failed to remove all of the infringing images and many remain on display on the website.

35. On July 7, 2023, Plaintiff, by and through its attorneys sent a follow up request on their First Letter. **See attached as Exhibit G.**

36. Plaintiff did not respond to the July 7, 2023 follow-up request, but on or around that time Defendant removed certain of the infringing Copyrighted Images from its website.

37. On August 18, 2023, Plaintiff contacted Defendant for the fifth time, sending a second notice of infringement (the Third Letter). **See attached as Exhibit H.**

38. This Third Letter was sent through the same contact means as the First Letter.

39. Defendant's counsel thereafter contacted Plaintiff Plaintiff's counsel and stated that the prior letters were either misdirected or not received.

40. As of September 27, 2023, Defendant has not removed all of the infringing Copyrighted Images from its website.

**COUNT ONE**  
**COPYRIGHT INFRINGEMENT – 17 U.S.C. § 501, et seq.**

41. Plaintiff incorporates the prior paragraphs by reference.

42. Plaintiff is the sole owner of all registered copyrights covering the images infringed by Defendant which were and are prepared, published, and distributed at [www.webrestaurantstore.com](http://www.webrestaurantstore.com). A list of the infringing links is **attached as Exhibit I**.

43. By Defendant's unauthorized copying, display, modification, and use of the Copyrighted Images to solicit sales and promote the business and reputation of the Defendant, Defendant has willfully infringed Plaintiff's Copyright Registrations by reproduction, derivative work, public performance, display, and distribution, all without Plaintiff's permission or authorization.

44. Defendant knew or should have known of Plaintiff's rights in the Copyrighted Images and has willfully and intentionally infringed Plaintiff's exclusive rights in the Copyrighted Images under 17 U.S.C. § 106.

45. As a result of their wrongful conduct, Defendant is liable to Plaintiff for copyright infringement under 17 U.S.C. § 501.

46. As a direct and proximate result of the copyright infringement detailed herein, Plaintiff has incurred and continues to incur damages in an amount unknown at present and to be determined at trial. Plaintiff is also entitled to any profits of Defendant attributable to the infringement and not taken into account in computing actual damages.

47. In the alternative and at its election, Plaintiff is entitled to seek statutory damages for Defendant's willful acts of infringement in an amount of up to \$150,000 per infringement.

48. Plaintiff has suffered and continues to suffer irreparable injury from Defendant's conduct, and Plaintiff has no adequate remedy at law to protect its rights in the Copyrighted Images to prevent Defendant from continuing its infringement and the injury to Plaintiff.

49. As a direct and proximate result of the copyright infringements detailed herein, Plaintiff is entitled to preliminary and permanent injunctive relief enjoining and retraining Defendant from infringing its Copyrighted Images.

**PRAYERS FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the following relief:

A. That Defendant be found by this Court to have committed copyright infringement;

B. That Defendant, its agents, officers, sales representatives, servants, employees, associates, attorneys, successors and assigns, and any and all persons or entities acting by, through, under or in active concert or in participation with any or all of them, be preliminarily and permanently enjoined by Order of this Court from doing, abiding, causing, aiding or abetting any of the following:

1. directly or indirectly infringing, or causing any third parties to infringe upon Plaintiff's Copyrighted Images;

2. directly or indirectly engaging in, or causing a third party to engage in, any acts or activities calculated to infringe upon Plaintiff's copyright images and/or the reputation or goodwill of Plaintiff, or in any manner to compete unfairly with Plaintiff;

3. directly or indirectly injuring, or causing third parties to injure, the distinctive quality of Plaintiff's Copyrighted Images;

4. further violating Plaintiff's intellectual property rights and goodwill; and,

5. from otherwise competing unfairly with Plaintiff in any manner whatsoever;

C. That Defendant take all necessary and appropriate steps to stop any marketing, promotion, advertising, display, or reproduction of Plaintiff's Copyrighted Images;

D. That the Court issue an Order directing Defendant to provide proof that they have ceased infringing Plaintiff's Copyrighted Images;

E. That Defendant take all necessary and appropriate steps to recall for destruction all copies of the infringing material;

F. That Defendant be required to undertake corrective advertising and marketing steps in order to remedy the infringement and harm caused to Plaintiff;

G. That Plaintiff be awarded its actual damages direct and indirect, for Defendant's infringements in an amount to be determined at trial, to be increased to the maximum permitted by law, for their acts of willful infringement;

H. That Plaintiff be awarded statutory damages for Defendant's infringements in an amount to be determined at trial, to be increased to the maximum permitted by law, for their acts of willful infringement;

I. That the Court award Plaintiff its costs, including attorneys' fees, and an assessment of interest;

J. That Defendant be directed to pay over to Plaintiff all damages suffered by Plaintiff as a result of Defendant's acts herein complained of;

K. That Defendant be directed to pay over to Plaintiff their profits from Defendant's acts herein complained of;

L. That the award of Plaintiff's damages and Defendant's profits be trebled as a result of Defendant's willful and deliberate infringement of Plaintiff's rights;

M. That Plaintiff be awarded punitive damages for Defendant's willful, deliberate, and unlawful injurious acts complained of herein; and,

N. That the Court grant such other and further relief as it deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

**VOLPE KOENIG**

Date: September 27, 2023

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